

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE  
HALL, ON WEDNESDAY, DECEMBER 5, 2001.**

**Members Present:** Peter Lilienfield, Chairman  
William Hoffman  
Jay Jenkins  
Walter Montgomery, Secretary

**Also Present:** Lino Sciarretta, Village Counsel  
Ralph Mastromonaco, Planning Board Consultant  
Brenda Livingston, Ad Hoc Planning Board Member  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Robert Citarell, Environmental Conservation Board Member  
Applicants and other persons mentioned in these Minutes.

**IPB Matters  
Considered:**      **00-28 – Bridge Street Properties, LLC**  
   Sht.3, P-103  
   **00-40 – Astor Street Associates, LLC**  
   Sht.7, Portion of P-25000  
   **01-26 – Danfor Realty**  
   Sht.13B, P-5, P-5C  
   **01-36 – Yen & Elsie Wong**  
   Sht.13, P-37  
   **01-41 – James R. Gleason & Kathleen Gleason**  
   Sht.14, B1.224, Lot 1, 6, 40  
   **01-47 – Simon & Vesna Luburic**  
   Sht.10F, Block 253, Lot 2  
   **01-54 – Sally Frank and Steven Mermelstein**  
   Sht.13, Lot P-129  
   **01-57 – Margaret Downey**  
   Sht.10A, Block 225, Lot 14  
   **01-58 – Ben I. Carlos**  
   Sht.7B, Block 247, Lot 2

**Carried over:**      **94-03 – Westwood Associates Development, Inc.,** To be  
   considered at Special Meeting of IPB on December 12, 2001

The Chairman called the meeting to order at 8:05 p.m.

**Administrative:**

- With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are

delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

**IPB Matter # 01-36:**

**Application of Yen & Elsie Wong for Final  
Subdivision Approval for property at 36  
Butterwood Lane East.**

Norman Sheer, Esq., represented the Applicants, who seek Final Subdivision Approval; preliminary approval was granted at the Board's meeting of October 3, 2001. The public hearing on this matter was reopened. The Chairman noted that the Resolution for Final Subdivision Approval had been amended to reflect the fact that the new plat will not be filed.

On motion duly made and seconded, the Board unanimously approved, and each member signed, the Resolution granting final subdivision approval for 2 lot subdivision of property of Yen Wong & Elsie Wong, dated December 5, 2001.

**IPB Matter # 01-57:**

**Application of Margaret Downey for Site  
Development Plan Approval or Waiver for  
property at 3 Riverview Road.**

Mr. Peter Downey, a cousin of the Applicant, represented Ms. Downey. The Application involves the proposed construction of a deck of 473 square feet to be attached to the Applicant's residence. The Zoning Board of Appeals had granted a variance (ZBA #2001-14, dated October 23, 2001) for the deck, which will extend into the requisite frontyard setback. Mr. Downey confirmed the existing ramp is a temporary structure that will be removed after the deck is constructed, and that the existing deck will be eliminated as well. Plans entitled Proposed Deck Extension for Mrs. Margaret Downey by JRM Engineering dated October 18, 2000 (three 8 1/2" x 11" sheets) were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. Neither Mr. Marron nor Mr. Mastromonaco had any concerns with the application. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect

any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this application.

**IPB Matter # 01-58:**

**Application of Ben I. Carlos for Site  
Development Plan Approval or Waiver for  
property at 5 Half Moon Lane.**

The Applicant represented himself. This matter pertains to a proposed 1,064 square-foot addition to the Applicant's existing residence. Plans entitled Proposed Addition to Dy-Carlos Residence by Robert Hoene, Architect dated September 27, 2000 revised July 25, 2001 (6 of 6 sheets) were submitted. The Chairman cited a letter from neighbors of the Applicant, Hilary R. Levy and Richard Chenel of 255 South Buckhout Street, stating that they had not received notification of Mr. Carlos' application to the Board. The Chairman said that such notification must be provided; without it, the Board could take no action on the proposed application.

Mr. Marron said the setbacks shown on the site plans are adequate, but the site plan requires approval, not a waiver due to the magnitude of the addition. Mr. Mastromonaco cited the need for topographic data, as noted in his memorandum of December 5, 2001. The Chairman said the site plan requires more data on the property slope relative to the house and the proposed construction, and on the trees, including the location of the canopy of one tree close to the proposed construction. In addition, there must be a current survey that shows only the property and its present structures, not the proposed additions. Otherwise, the application was considered complete enough to schedule a public hearing for January on the proviso that the proper notification and the needed information is provided; if not, the public hearing will be deferred.

Mr. Marron said the height of the renovated structure poses no Code issues.

The Chairman, with the concurrence of the Board, stated that, subject to receiving the additional information requested, the Board can consider the Application at the January meeting and scheduled a public hearing.

The matter was continued.

**IPB Matter #01-54:**

**Application of Sally Frank and Steven  
Mermelstein for Site Development Plan  
Approval for property at 3 Ardsley Avenue East.**

Tobias Guggenheimer, Architect, represented the Applicant. The Board opened a public hearing. The Chairman noted that the Applicant still needs to obtain a variance for the setback along Ardsley Avenue East. He also stated that the Tree Preservation Commission should be contacted regarding the condition of the tree directly behind the residence, if it needs to be removed. There were no comments from the public.

The Board closed the public hearing. It determined that the application is for a proposed action which is a Type II action under SEQRA. On motion duly made and seconded, the Board unanimously approved Site Development Plan Approval for drawings entitled Frank-Mermelstein Residence by Tobias Guggenheimer, Architect, P.C., dated October 30, 2001, four sheets, subject to the issuance of a front yard variance by the Zoning Board of Appeals.

**IPB Matter #01-47:**

**Application of Simon and Vesna Luburic for Site  
Development Plan Approval for property at  
northwest corner of Fieldpoint Drive and  
Harriman Road.**

Mr. Rudolph Petrucelli, P.E., represented the Applicant, and Mr. Luburic appeared before the Board as well. Drawings submitted were: Proposed Site Plan for Mr. Simun Luburic by Petrucelli Engineering dated October 22, 2001, revised November 20, 2001 (two sheets), and plans entitled Luburic Residence by The Milowitz Office dated November 21, 2001 (two sheets), and Drainage Calculations, Proposed Site Plan for Simun Luburic by Rudolph Petrucelli, P.E., dated November 21, 2001.

Site Development Plan Approval is being requested for a 56,785 square-foot parcel of land that is part of the Approved Subdivision Map for Louis Goodkind.

The Board held a site walk on December 1, 2001 and discussed the plans that had been submitted (as noted above). In response to comments from the Board, the Applicant indicated that they were in the process of revising the plans of the proposed house, to include a change in the elevation (raising the floor height four feet to reduce intrusion into the flood plain); a modification to the garage to facilitate vehicular movement on site; revisions in grading; and modifications to the roof line. Mrs. Dooley and Mr. Citarell raised questions regarding the bridge, retaining wall, flood zone and erosion control. The Chairman asked that the Environmental Conservation Board submit a letter stating any issues they wish to raise. He, together with Mr. Marron and Mr. Mastromonaco, noted that the interim construction within the flood plain, its restoration, and the provision of erosion control during and after the construction is a key concern. The Chairman stated that the Applicant should work with Mr. Marron and Mr. Mastromonaco to address these engineering issues.

The Chairman also said that the Applicant must be certain that any retaining walls meet Village Code height requirements, with the height measured from existing grade; variances might otherwise be required. The Applicant needs to revise the plans to show specific data on the wall's height, as safety factors are essential to the design and construction of the wall.

Mr. Mastromonaco said that the issues raised in his memorandum of December 5, 2001 had been addressed, although he suggested the Applicant consider modifications to the culvert.

The Application was carried over to January. Revised plans will need to be resubmitted prior to the Board's determining that the Application is complete.

**IPB Matter #01-41:**

**Application of James R. Gleason & Kathleen Gleason for Preliminary Subdivision and Site Development Plan Approval of property at 115 South Broadway.**

Richard J. Blancato, Esq. represented the Applicant. This matter, a continuation, involves the proposed re-subdivision of a merged lot, in a Multi Family Residential District at the corner of East Clinton Avenue and Broadway, into two building lots, one of which currently has a house. Plans submitted at the December Planning Board meeting were: Site Plan and Subdivision, dated 12/05/01 by Charles Riley

The Applicant indicated that the Zoning Board of Appeals had granted variances for the property; the Chairman noted that the Planning Board had not yet received a letter from the Zoning Board confirming and detailing any variances. He requested the Applicant submit a full package, including the ZBA decision and current plans, in time for the January meeting. The Board can then determine whether it is appropriate to schedule a public hearing for the February meeting.

The matter was continued.

**IPB Matter #00-40:**

**Application of Astor Street Associates, LLC for Subdivision and Site Development Plan Approval for property at Astor Street.**

Paul Sirignano, Esq., appeared for the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. The Applicant submitted a new set of plans: Cover Sheet (11/16/01), SP 1-5 (11/12 and 11/19), LS (11/12/01), SL (11/12/01), S-1 Site Retaining Wall (11/19/01) and Proposed MTA Parking Lot Alteration (11/14/01).

The Board continued the public hearing on the current Application. The Applicant indicated that the Zoning Board of Appeals had granted variances or otherwise provided

interpretations on the property, although the Chairman noted that the Board had not received a letter from the Zoning Board confirming and detailing any variances.

The Applicant presented a plan for the Metro North parking lot (from the intersection with Astor south to the new power plant) identifying instances where additional parking could be located. This was reviewed with the Board, which indicated that many of the proposed spaces were unfeasible due to existing constraints (loading door in other properties, topography and turning radii, etc.). The applicant indicated that there would be four new spaces dedicated to the subject located off-site (on MTA property) near the new MTA power plant. The Chairman asked for detailed plans regarding access to the off-site lot and Metro North approval of such plan.

The Chairman, Mr. Sirignano and Mr. Mastromonaco addressed concerns raised in Mr. Mastromonaco's memorandum of December 5, 2001. The Chairman directed Mr. Mastromonaco to address the "Technical Comments" in the memo directly with the Applicant. Mr. Mastromonaco also stated that details regarding the retaining wall must be shown clearly on the plans. The Chairman noted that details still need to be resolved regarding transfer of land between the MTA and the Applicant, along with easements between the two parties. He also noted that the SEQRA process still needed to be undertaken. Also, the Applicant was reminded of the need to provide re-notification to affected property owners, as required per the Code.

The Applicant indicated that the Zoning Board of Appeals had determined that the retaining wall did not require a variance. Nonetheless, the Planning Board indicated it needed more details (to enable a full engineering analysis) and costs (should it determine that bonding be provided). These were considered necessary for the Board's consideration of preliminary subdivision and site plan approval.

The Board continued the public hearing on this matter.

**IPB Matter #00-28:**

**Application of Bridge Street Properties, LLC for Site Development Plan Approval for property at One Bridge Street.**

John Kirkpatrick, Esq., appeared for the Applicant. The Application relates to the proposed construction of an office building at Two West Main Street. The Board continued the public hearing on this matter.

Mr. Kirkpatrick said the Zoning Board had determined that the North lot is an integral part of the property and agreed to the reduction in size of parking. He also said the new configuration of parking spaces eliminates interior parking.

The Board then reviewed the Applicant's proposed Resolution for Site Development Plan Approval, making several adjustments, particularly to the conditions on which Approval would be granted. The Chairman stated that: the plans must show the Railroad Way easement; the ZBA's letter regarding its determination will be attached to the Resolution; and the parking-space size and configuration must be cited in the conditions of the Resolution for approval.

Mr. Mastromonaco said that the plans should include a note stipulating that no parking is to be taken out of service during construction; the Board recognized that this should be related to the amount of parking necessary to meet the minimum requirements for the existing improvements.

The Board closed the public hearing, but indicated that it would not take any action on the application until after receipt of the Zoning Board of Appeals letter. The matter was carried over to January.

**IPB Matter #01-26:**

**Application of Danfor Realty for  
Subdivision Approval for property at  
Harriman Road.**

Paul Petretti, Civil Engineer and Land Surveyor, appeared for the Applicant. This matter is a continuing application for preliminary subdivision approval of a seven-lot subdivision.

The Chairman emphasized that this Application is only in the opening phase of consideration. Because several interested residents who live near or adjacent to the property were present, Mr. Petretti reviewed the plan for subdivision as he had at the October 2001 meeting.

The Board on motion duly made and seconded, determined a Site Capacity of no more than seven dwelling units.

The Chairman stressed that the Applicant's future plans and other documents should cite the new section numbers of the Village Code, and the Applicant should be sure to use the current names and addresses of residents in providing notifications. He also said the Board would schedule a site walk next year, and indicated that the affected property owners and the public would be provided with the opportunity to express their concerns about this Application.

The Board continued this matter.

The Board then confirmed both its Special Meeting of December 12, 2001 at 8 p.m. to consider the Westwood matter and the scheduling of the next Regular Meeting for January 9, 2002 at 8 p.m.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Walter Montgomery  
Secretary